

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Melissa A. Thomas, individually
and as the representative of a class
of similarly-situated persons,

Case No. 16-11467

Plaintiff,

Judith E. Levy
United States District Judge

v.

Mag. Judge Mona K. Majzoub

Abercrombie & Fitch Co.,
Abercrombie & Fitch Stores, Inc.,
and John Does 1–12,

Defendants.

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**ORDER DENYING REQUEST TO LIFT STAY AND PERMIT
DISCOVERY [74]**

On October, 9, 2018, the parties submitted a joint status report in which plaintiff argued that the Court should lift the stay in this case to permit limited discovery. (Dkt. 74.) Plaintiff had contacted cellphone carriers and determined that phone records for some possible class plaintiffs were destroyed or would be shortly, and now she seeks limited discovery with respect to those records. Specifically, plaintiff seeks T-Mobile records for monthly accountholders who have been with T-Mobile

since April 2016. The Court ordered supplemental briefing on this issue on October 9, 2018, which the parties submitted. (Dkts. 75–77.) A telephonic hearing was held on February 5, 2019.

For the reasons set forth on the record, the Court denies plaintiff's request to lift the stay and permit discovery at this time. No later than **June 3, 2019**, the parties must submit a joint status report updating the Court. If the Federal Communications Commission reaches a decision on CG Docket Numbers 18-152 and 02-278, as detailed in the order staying the case (Dkt. 71), before then, the parties must update the Court at that time.

IT IS SO ORDERED.

Dated: February 7, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge